

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION
5:12-CR-00054-KDB-DSC

USA

v.

LUIS ENRIQUE GARCIA

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ORDER

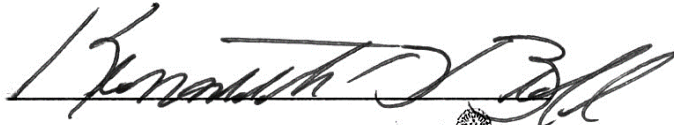
THIS MATTER is before the Court on the defendant's pro se pleading (Doc. No. 64) requesting a sentence reduction pursuant to Amendment 782 to the Sentencing Guidelines.

This Court previously reduced defendant's sentence on December 28, 2015, in light of Amendment 782 (Doc. No. 61: Order granting Sentence Reduction at 1). As it has already considered a reduction in defendant's sentence in light of Amendment 782, the Court is without the authority to consider a further reduction based on the same amendment. *United States v. Goodwyn*, 596 F.3d 233, 236 (4th Cir. 2010) (district court lacked authority to reconsider extent of reduction under § 3582(c)(2)); *United States v. Clark*, 565 F. App'x 277, 278 (4th Cir. 2014); *United States v. Mann*, 435 F. App'x 254, 255 (4th Cir. 2011) ("When the Sentencing Commission retroactively lowers the Guidelines range, the scheme that § 3582(c) establishes provides a district court with one – and only one – opportunity to apply the amendment to the Guidelines and modify the sentence.").

IT IS, THEREFORE, ORDERED that the defendant's motion (Doc. No. 64) is **DENIED**.

The Clerk is directed to certify copies of this Order to the defendant, the Federal Defender, the United States Attorney, the United States Marshals Service, and the United States Probation Office.

Signed: November 19, 2019

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

